

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**PHILIP PETRONE, et al.,**

**Plaintiffs,**

**vs.**

**WERNER ENTERPRISES, INC., d/b/a  
WERNER TRUCKING, and DRIVERS  
MANAGEMENT, LLC,**

**Defendants.**

---

**PHILIP PETRONE, et al.,**

**Plaintiffs,**

**vs.**

**WERNER ENTERPRISES, INC., d/b/a  
WERNER TRUCKING, and DRIVERS  
MANAGEMENT, LLC,**

**Defendants.**

**8:11CV401**

**ORDER**

**8:12CV307**

**ORDER**

This matter comes before the Court following a telephone conference held with counsel for the parties on September 21, 2022, regarding further proceedings consistent with the Eighth Circuit Court of Appeals' Opinion dated August 3, 2022. After review,

**IT IS ORDERED:**

1. The Clerk of Court is directed to reopen Plaintiffs' motion for new trial (Filing No. 610 in the Lead Case); and
2. On or before **October 26, 2022**, the parties shall file simultaneous supplemental briefs limited to the requisite analyses (1) under Rule 37(c)(1) of the Federal Rule of Civil Procedure and (2) Rule 706 of the Federal Rules of Evidence.

Dated this 23<sup>rd</sup> day of September, 2022.

**BY THE COURT:**

s/Michael D. Nelson  
United States Magistrate Judge